

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

EDWARD ZYBURO, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

NCSPLUS INC.,

Defendant.

CASE NO: 12-cv-06677 (JSR)

**PLAINTIFF’S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Pursuant to Federal Rule of Civil Procedure 23(e), Plaintiff, Edward Zybuero (“**Plaintiff**” or “**Class Representative**”), hereby moves the Court for an Order Preliminarily Approving the Class Action Settlement and Providing for Notice. Plaintiff’s Unopposed Motion for Preliminary Approval of the Class Action Settlement of the above-captioned action seeks an order:

1. scheduling a Preliminary Settlement Approval Hearing before the Court to determine whether the proposed settlement should be preliminarily approved;
2. approving Angeion Group as the Settlement Administrator and directing that notice of the settlement be given to Class Members in the proposed form and manner;
3. setting April 23, 2015 as the date by which objections, if any, to the settlement, the plan of distribution, an application seeking a service award to the Class

- Representative, and/or an application for an award of attorney's fees, costs and expenses to Class Counsel must be served and filed by Class Members; and
4. scheduling a Final Settlement Approval Hearing before the Court to determine whether the proposed settlement, a motion seeking a service award to the Class Representative, and a motion for attorney's fees, costs and expenses to Class Counsel should be finally approved.

Plaintiff is concurrently submitting (a) Plaintiff's Memorandum in Support of his Unopposed Motion for Preliminary Approval of the Class Action Settlement and accompanying exhibits, (b) the Declaration of John A. Yanchunis in Support of Plaintiff's Unopposed Motion for Preliminary Approval of the Class Action Settlement; and (c) the Declaration of Steven Weisbrot in Support of Plaintiff's Unopposed Motion for Preliminary Approval of the Class Action Settlement.

Dated: March 6, 2014

Respectfully submitted,

**MORGAN & MORGAN
COMPLEX LITIGATION GROUP**

/s/ John A. Yanchunis

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of March, 2015, I electronically filed the foregoing Plaintiff's Unopposed Motion for Preliminary Approval of the Class Action Settlement with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to Defendant's attorneys of record in this matter, who are listed below:

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/s/ John A. Yanchunis
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